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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

17 AUG 1976

Honorable Harley O. Staggers, Chairman  
Committee on Interstate and Foreign Commerce  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for our comments on S. 2515, a bill which would establish a "President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research." This bill passed the Senate on 21 May 1976.

The Central Intelligence Agency's current and foreseeable activities in biomedical and behavioral research are extremely limited. Therefore, with respect to the merits of the bill in general, we defer to the views of the Department of Health, Education, and Welfare and other departments and agencies more directly involved in this area. However, we offer the following comments on those provisions of the bill which do concern this Agency.

Proposed Section 477(f) of S. 2515 provides for a representative of the Central Intelligence Agency to serve as a non-voting, ex officio adviser to the President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. Without commenting on the merits of establishing such a Commission at this time, the Agency would have no objection to providing the representation required, if such a Commission were created.

Under Section 477(h) the Commission would be granted broad access to classified information within the executive departments and agencies where "necessary to enable the Commission to carry out its duties." We understand this to mean that, if the Commission were established, classified information provided it would be appropriately limited only to those matters which directly concern the charter of the Commission, i.e. only classified information which involves experimentation on human subjects.



Although S. 2515 does not address itself directly to the disposition of classified information once obtained from executive departments and agencies, it is noted that Section 477(a) would require that all members of the Commission receive security clearances from appropriate departments and agencies. This Agency agrees that such measures would be necessary to ensure the protection of the information involved. Moreover, current national security policies prohibit disclosure of classified information without the approval of the originating agency or department. This is a basic security tenet which would have to be recognized in view of the Commission's access to classified information; its authority "to publish reports and other material which it deems necessary," under Section 482; and its authority to undertake a comprehensive study of advances in biomedical and behavioral research, under Section 479. We assume that it is not the intent of S. 2515 to authorize or require the public disclosure of information protected by Executive order or statute.

As proposed, the bill could be interpreted to include all research and testing to determine psychological attitudes, physiological reactions, and predictable human behavior which in no way affects the health or presents a hazard to the subjects involved. This Agency believes that the Commission should be concerned only with human research which has health risk factors.

The Office of Management and Budget has advised there is no objection to the submission of these comments on S. 2515.

Sincerely,

GEORGE BUSH

George Bush  
Director

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